

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

LEALON M. VASSAR, ET AL.,)
v.)
Plaintiffs,)
DANIEL ROSS, et al.)
Defendants.)
Civil Action No. 4:14CV00056

RULE 26 CONFERENCE REPORT

The plaintiffs, by counsel, respectfully submit the following report on the conference held in this case pursuant to Rule 26(f). This conference occurred, via telephone conference, at 9:30 a.m. on the 8th day of July, 2015; the plaintiffs represented by their counsel, David P. Mitchel, Esquire of the law firm Michael J. Brickhill, P.C.; and the defendants represented by their counsel, Matthew R. Hull, Assistant Attorney General, Office of the Attorney General of Virginia.

Counsel for the parties discussed all matters set forth in Rule 26(f)(2). In the course of the conference, the parties agreed upon the following discovery plan:

1. The parties agreed that initial Rule 26(a) disclosures would be made **July 15, 2015**.
2. The subjects upon which discovery may be needed are:
 - a. The events of the day in question in this cause;
 - i. The actions of the defendants prior to their entry upon the real property known as the Roxabel Tract;
 - ii. The actions of defendants in making their entry upon the Roxabel Tract and following their entry upon it;

- iii. All the defendants' interactions with the plaintiffs John and Michael Korn; and
 - iv. The actions of John and Michael Korn on the day in question.
- b. The information allegedly received by the defendants from a confidential informant prior to their entry upon the Roxabel Tract;
- c. Dispatch communications between/to/from the defendants on the day in question concerning activity on the Roxabel Tract;
- d. Locations at which events on the day in question occurred;
- e. Expert evidence concerning the sound of a rifle versus a black powder/muzzleloader rifle;
- f. Policies of the Virginia Department of Game and Inland Fisheries concerning entries, searches, and seizures.

3. Concerning electronic discovery, the parties agreed that documents and records in electronic format may be disclosed and delivered in that format, directly between counsel via electronic mail;
4. Concerning privileged information and protected trial-preparation materials, the parties discussed the following:
 - a. The defendants allege that on the day in question they received related information from a confidential informant. Defendants' counsel stated an intention to keep the identity of that informant confidential;
 - b. The parties' counsel discussed the disclosure of notes taken at a meeting at the Office of Robert E. Hawthorne, Jr., to which some of the plaintiffs (Lealon and Greg Vassar) and defendant Jon Hart were present. The parties are in agreement that all notes taken of statements/exchanges made while defendant Hart was present are not protected as trial preparation material, and would be disclosed.
5. The parties agreed to no substantive changes in the Discovery Rules governing limitations on discovery; the parties did, however, agree, that to modify the times for responses as follows: Answers/responses to first sets of discovery are to be made with **fourteen days**, and answers/responses to second and subsequent sets of discovery are to be made within **ten days**.
6. The parties shall complete discovery by **September 8, 2015**.

LEALON M. VASSAR,
BRENDA N. VASSAR,
L. GREGORY VASSAR,
CHERYL F. VASSAR,
JOHN C. KORN,
MICHAEL J. KORN

By: /S/ David P. Mitchel
Of Counsel

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CERTIFICATE

I hereby certify that on July 17, 2015, I caused the foregoing document to be filed via ECF, which caused notice of filing to be sent electronically to the following:

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